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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,855	08/27/2001	Sunil H. Contractor	BELL-0110/01065	3230
38952	7590	11/03/2004	EXAMINER	
WOODCOCK WASHBURN LLP ONE LIBERTY PLACE - 46TH FLOOR PHILADELPHIA, PA 19103				MILLER, BRANDON J
ART UNIT		PAPER NUMBER		
		2683		

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/939,855	CONTRACTOR, SUNIL H.
Examiner	Art Unit	
Brandon J Miller	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 28 June 2004.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1,3-19,21,22 and 27-39 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,3-19,21,22 and 27-39 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)          |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date: <u>10-19-04</u>                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-6, 8-14, 16-17, 19, 22, 27-30, and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Silverman.

Regarding claim 1 Alperovich teaches a method of forwarding a telephone call (see col. 1, lines 66-67 and col. 2, lines 1-5). Alperovich teaches receiving a telephone call from a calling party line to a called party line (see col. 3, lines 19-25 and col. 6, lines 18-23). Alperovich teaches determining a location of the called party (see col. 6, lines 45-47). Alperovich teaches determining a location of the called party to one or more forwarding numbers, the forwarding numbers identified independent of called party predetermination; and directing the telephone call to the one or more numbers based on the determined location (see col. 5, lines 40-43 and col. 6, lines 45-53). Alperovich does not specifically teach determining a proximity of the location of the called party to one or more subscriber locations, the subscriber locations identified independent of the called party predetermination; and directing the telephone call to the one or more subscriber locations based on the determined proximity. Silverman teaches determining a proximity of the location of the called party to one or more subscriber locations, the subscriber locations identified independent of called party predetermination; and directing the telephone

call to one or more subscriber locations based on the determined proximity (see col. 1, lines 62-67 and col. 3, lines 7-11 & 17-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include determining a proximity of the location of the called party to one or more subscriber locations, the subscriber locations identified independent of the called party predetermination; and directing the telephone call to the one or more subscriber locations based on the determined proximity because this would allow for an improved location based call forwarding service that works transparently to the subscriber.

Regarding claim 4 Alperovich teaches using a radio frequency signal (see col. 3, lines 25-30).

Regarding claim 5 Alperovich teaches subscriber locations that are identified by a directory number (see col. 3, lines 19-25).

Regarding claim 6 Silverman teaches forwarding a call to a wireless communication device based on a determined proximity (see col. 1, lines 62-67 and col. 3, lines 17-31).

Regarding claim 8 Alperovich teaches forwarding a telephone call to another user based on a location of the other user (see col. 6, lines 45-53).

Regarding claim 9 Alperovich teaches a location that is determined by at least one of a service node, a customer premise equipment unit, a service control point, and a location detection device (see col. 6, lines 45-53).

Regarding claim 10 Silverman teaches a subscriber location that includes at least one of a wire line telephone, a public pay telephone, a wireless communication device (see col. 2, lines 63-67 and col. 3, lines 2-6 & 29-31).

Regarding claim 11 Alperovich teaches one or more persons that are subscribed to a called party line (see col. 3, lines 10-23).

Regarding claim 12 Alperovich teaches a method of directing a communication (see col. 1, lines 66-67 and col. 2, lines 1-5). Alperovich teaches receiving a communication directed to a party (see col. 3, lines 19-25 and col. 6, lines 18-23). Alperovich teaches determining a location of the party (see col. 6, lines 45-47). Alperovich teaches comparing the location of the party to one or more forwarding numbers, the forwarding numbers identified independent of called party predetermination; and directing the communication as a function of the comparison (see col. 5, lines 40-43 and col. 6, lines 45-53). Alperovich does not specifically teach comparing the location of the party to one or more subscriber locations identified independent of called party predetermination. Silverman teaches comparing the location of the party to one or more subscriber locations identified independent of called party predetermination, and directing the communication as a function of the comparison (col. 1, lines 62-67 and col. 3, lines 7-11 & 17-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include comparing the location of the party to one or more subscriber locations identified independent of called party predetermination because this would allow for an improved location based call forwarding service that works transparently to the subscriber.

Regarding claim 13 Alperovich teaches communication that is voice-based (see col. 4, lines 66-67 and col. 5, lines 1-4).

Regarding claim 14 Alperovich teaches communication that is text-based (see col. 4, lines 8-11).

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Regarding claim 16 Alperovich and Silverman teach a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 17 Alperovich and Silverman teach a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 19 Alperovich teaches a directory number associated with a wireless communication device (see col. 3, lines 420-23).

Regarding claim 22 Alperovich teaches comparing that is accomplished by at least one of the following: a service node, a customer premise equipment unit, a service control point, and a location detection device (see col. 6, lines 45-53).

Regarding claim 27 Alperovich teaches a system of redirecting a communication (see col. 1, lines 66-67 and col. 2, lines 1-5). Alperovich teaches a transponder for transmitting a location of a user (see col. 3, lines 25-30). Alperovich teaches a service control point for comparing forwarding numbers with the location of the user, the forwarding numbers identified independent of called party determination; and a service transfer point in communication with the service control point for directing the communication as a function of the comparison (see col. 5, lines 40-43 and col. 6, lines 45-53). Alperovich does not specifically teach comparing a subscriber location with the location of the user, the subscriber location identified independent of called party determination. Silverman teaches comparing a subscriber location with the location of the user, the subscriber location identified independent of called party determination (col. 1, lines 62-67 and col. 3, lines 7-11 & 17-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include comparing a subscriber location with the location of the user, the subscriber location identified independent of

called party determination because this would allow for an improved location based call forwarding service that works transparently to the subscriber.

Regarding claim 28 Alperovich teaches one or more subscriber telephones in communication with a service switching point, wherein the service switching point is in communication with a service transfer point (see col. 6, lines 39-53).

Regarding claim 29 Alperovich teaches a transponder that communicates the location of the user to subscriber telephones (see col. 6, lines 3, lines 19-30).

Regarding claim 30 Alperovich teaches a transponder communicating location of a user to a service control point (see col. 6, lines 45-49).

Regarding claim 32 Alperovich and Silverman teach a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 33 Alperovich and Silverman teach a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 34 Alperovich teaches a service node in communication with a service control point (see col. 6, lines 45-49).

Claims 3, 15, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Silverman, and Akhteruzzaman.

Regarding claim 3 Alperovich and Silverman teach a device as recited in claim 1 except for the location of the called party that is determined using a global position system.

Akhteruzzaman teaches using a global position system to determine the location of a subscriber (see abstract and col. 4, lines 28-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include location of the called

party that is determined using a global position system because this would allow for a more efficient determination of present geographical location in terms of latitude and longitude coordinates.

Regarding claim 15 Alperovich, Silverman, and Akhteruzzaman teach a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 31 Alperovich, Silverman, and Akhteruzzaman teach a device as recited in claim 3 and is rejected given the same reasoning as above.

Claims 7, 18, 21, 35-36, and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Silverman, and Roberts.

Regarding claim 7 Alperovich and Silverman teach a device as recited in claim 1 except for forwarding a telephone call to a voice message system based on a determined proximity. Silverman does teach forwarding a call based on a determined proximity (see col. 1, lines 62-67). Roberts teaches forwarding a telephone call to a voice message system (see col. 4, lines 42-54). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include forwarding a telephone call to a voice message system based on a determined proximity because this would allow for an intelligent telephone forwarding system able to direct calls to a plurality of devices.

Regarding claim 18 Roberts teaches a directory number associated with a wired telephone subscriber location (see col. 3, lines 35-39).

Regarding claim 21 Alperovich, Silverman, and Roberts teach a device as recited in claim 7 and is rejected given the same reasoning as above.

Regarding claim 35 Alperovich teaches a method of forwarding a telephone call (see col. 1, lines 66-67 and col. 2, lines 1-5). Alperovich teaches receiving a telephone call from a calling party line to a called party line (see col. 3, lines 19-25 and col. 6, lines 18-23). Alperovich teaches determining a location of the called party (see col. 6, lines 45-47). Alperovich teaches determining a location of the called party to one or more forwarding numbers, and directing the telephone call to the one or more numbers based on the determined location (see col. 5, lines 40-43 and col. 6, lines 45-53). Alperovich does not specifically teach receiving a telephone call to a called party wired line, determining a proximity of the location of the called party to one or more subscriber locations, and directing the telephone call to the one or more subscriber locations based on the determined proximity. Silverman teaches determining a proximity of the location of the called party to one or more subscriber locations, and directing the telephone call to one or more subscriber locations based on the determined proximity (see col. 1, lines 62-67 and col. 3, lines 7-11 & 17-31). Roberts teaches receiving a telephone call to a called party wired line (see col. 3, lines 35-52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include receiving a telephone call to a called party wired line, determining a proximity of the location of the called party to one or more subscriber locations, and directing the telephone call to the one or more subscriber locations based on the determined proximity because this would allow for an improved location based call forwarding service that works transparently to the subscriber.

Regarding claim 36 Silverman teaches one or more subscriber locations that are predefined by a called party (see col. 2, lines 64-67 and col. 3, lines 1-2).

Regarding claim 38 Alperovich and Silverman teach a device as recited in claim 9 and is rejected given the same reasoning as above.

Regarding claim 39 Alperovich and Silverman teach a device as recited in claim 10 and is rejected given the same reasoning as above.

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Silverman, Roberts and Akhteruzzaman.

Regarding claim 37 Alperovich, Silverman, and Roberts teach a device as recited in claim 35 except for the location of the called party that is determined using a global position system. Akhteruzzaman teaches using a global position system to determine the location of a subscriber (see abstract and col. 4, lines 28-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include location of the called party that is determined using a global position system because this would allow for a more efficient determination of present geographical location in terms of latitude and longitude coordinates.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 33 recites the limitation "said predetermined designator" in the first line of the claim. There is insufficient antecedent basis for this limitation in the claim.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 3-19, 21-22, and 27-39 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Syed et al. U.S. Patent No. 6,038,451 discloses a location based method of and system for forwarding wireless telephone calls.

Sollee et al. U.S. Patent No. 6,393,288 discloses a method of identifying mobile station location to establish homezone feature.

Valentine et al. U.S. Patent No. 5,924,027 discloses a method of best-chance routing.

Salin U.S. Patent No. 6,501,948 discloses call forwarding in a telecommunication system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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October 19, 2004



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